

MULTIMEDIA



UNIVERSITY

STUDENT ID NO

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MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 3, 2016/2017

ULB2612 – LABOUR LAW

(All Sections / Groups)

29 MAY 2017

Reading Time : 9.00 a.m – 9.15 a.m

(15 Minutes)

Answering Time : 9.15 a.m – 12.15 p.m

(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes **ONLY** in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.
2. This Question paper consists of 3 pages with 5 Questions only.
3. Attempt **FOUR** out of FIVE questions. All questions carry equal marks and the distribution of the marks for each question is given.
4. Students are allowed to bring into Examination Hall **CLEAN** and **ORIGINAL** copy of:
 - i. Employment Act 1955 (Act 265);
 - ii. Industrial Relations Act 1967 (Act 177);
 - iii. Trade Union Act 1959 (Act 262); and
 - iv. Employees' Social Security Act 1969 (Act 4)
5. Please write all your answers in the Answer Booklet provided.

QUESTION 1

"Experience shows that economic growth is not sufficient. We must do more to empower individuals through decent work, support people through social protection, and ensure the voices of the poor and marginalized are heard. As we continue our efforts to achieve the Millennium Development Goals and shape a post-2015 development agenda, let us make social justice central to achieving equitable and sustainable growth for all."

UN Secretary-General Ban Ki-moon Message for the World Day of Social Justice, 20 February 2014.

Based on the above statement discuss how International Labour Standards are created and used at the international and national level.

(Total marks: 25)

QUESTION 2

Park Joong Woo has been working as an employee with Baba Nyonya Guest House & Co. in Melaka for the last six months. One day, he received letter of termination from his employer, Baba Nyonya Guest House Co. Park Joong Woo is now very angry and contended that Baba Nyonya Guest House & Co. has contravened Section 12 of the Employment Act 1955 and is seeking to sue his ex-employer for a breach of contract. On the other hand, Baba Nyonya Guest House & Co. claims that Park Joong Woo is not covered under the Employment Act 1955.

Advise Park Joong Woo on this matter and also explain to him the concept of 'truck system'.

(Total: 25 marks)

QUESTION 3

Drake is a member of a trade union at his workplace. Recently, the trade union invited the company to commence collective bargaining with view of concluding a collective agreement. The trade union came up with a proposal containing terms and conditions of work that they would like to be included in the collective agreement.

However, the proposals were rejected by the management and instead the management coerced the union to accept their terms, which were mostly unjust to the employees. Due to dissatisfaction, both parties failed to arrive at a compromise. Several union members suggested that an industrial action should be taken to solve this trade dispute.

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They decided to proceed with the secret ballot. The Union does not provide its members the resolution on the issues of the proposed strike. Later, the Union sent the results of ballots to the Director General of Trade Union within 18 days of taking the ballots. They intended to proceed with the strike.

a) Advise Drake and other members of the trade union concerning the events mentioned in the above scenario.

(15 marks)

(ii) Can the employer counter the industrial action with a lock out?

(10 marks)

(Total marks: 25)

QUESTION 4

Justin Bieber was employed by Wee Ken Sing Sdn Bhd as a supervisor at the operations department. Justin Bieber is a member of a trade union and actively voices out his grievances towards the management of the company. As such, Wee Ken Sing Sdn Bhd is worried that these actions of Justin Bieber will influence other employees as well. Due to this, Justin Bieber was transferred to the purchasing department as a warehouse assistant where he was only required to do stocktaking and his workstation was inside the warehouse. He was also given a lower salary than his previous position.

Due to stress, Justin Bieber assumed that the employer did not require his service anymore. So, he terminates the contract and considers himself dismissed by the employer. Justin Bieber is now unemployed.

Advise Justin Bieber whether Wee Ken Sing Sdn Bhd is allowed to transfer him to another department due to his involvement with the trade union. Give reasons for your answer.

(Total marks: 25)

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QUESTION 5

The Employers' Social Security Act was introduced in 1969 and now, it applies throughout Malaysia. The Act aims to provide protection for employees (as defined under the Act) and their families against economics and social distress in situations where the employees sustain injury or death.

Based on the above statement, explain the scope and the purpose of the Act and discuss the benefits and protection provided under the Act.

(Total marks: 25)

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